1947 **File No.** B. Molasses 49

Legal **DEPARTMENT**

B **BRANCH**

Subject:— The Bombay Molasses Bill 1947

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L.A Bill. No XV of 1947.

Bom. Act No XXX of 1947

File No. B. Molasses/47

Std. Sectt. Slip 24 B e.

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C O N T E N T S.

Legal Department File No. B. Molasses / 47.

S.No.	R.I. / O.No.	Subject	Pages.
		A Bill to control the transport, sale and possession molasses.	
1.	U.R. to R.D.No. 1266, dated 7th. Feb. 1947.	Draft Bill	1 - 2.
2.	G.L.L.D.No.4086 dated 22nd April 1947.	Seeking Governor's assent	3 - 4.
3.	L.D.R.I.No.5192 dt.25th April 1947.	Repugnancy of the Bill	5 - 6.
4.	L.D.R.I.No.6997 dt.3rd.June 1947.	Governor-General's assent.	7 - 8.
5.	G.R.L.D.No.1457 dt. 12th.Feb.1947.	Publication of the Bill.	9 - 18.
6.	G.R.L.D.No. 5555 dated 29th.May 1947.	Publication of the Act.	19 - 28
7	-	Bill, Act, Debate.	29 - 68.

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Office of the R.L.A.

The Bombay Molasses Act, 1942, which is now proposed to be re-enacted was held to fall under entry 29 in List II in the 7th Schedule to the Government of India Act, 1935, (vide R.L.A's No.4916 dated 16th. June'42). The scope of the present Bill has been extensively enlarged so as to enable Government to control the export and import of molasses.

2. The subject-matter of the proposed Bill now falls under the principal entries 27 and 29 in List II in the Seventh Schedule to the Government of India Act, 1935 and the proposal to control the import from and export into the Province of Bombay of molasses would attract the provisions of section 297(1) of the siad Act. That section provides that no Provincial Legislature shall, by virtue of the entry in the Provincial Legislative List relating to trade and commerce within the Province, or the entry in that list relating to the prodiction, supply and distribution of commodities, have power to pass any law or take any executive action prohibiting or restricting the entry into, or export from, the Province of goods of any class or description. (vide the definition of 'goods', in section 311 (2) of the siad Act.) . The Provincial Legislature is not thereefore competent to pass any law in relation to the export and improt of molasses. The reference to export and impost has therefore been deleted from the Bill.

3. The requisite Bill after deleting the reference to export and import of molasses, is sent herewith

4. A new clause 10 to provide for taking power to Government to call for returns on the lines of the clause inserted in the Abkari and Opium Amendment Bill is inserted in the Bill.

5. A saving clause expressly previding that in the Act shall affect the right of any person only/ posses,

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but also transport or sell if such possession, transport or sale is incidental to the import or export of molasses into or from the Province of Bombay is necessary. Clause 5(3) has been added to the Bill.

6. It is presumed that the penalty provided in clause 7 is adequate.

7. Clause 25 provides for the repeal of the existing Act of 1942. It is understood that the present Act has been supplied only to a very few areas and the intention of Government is to apply the new Act forthwith to all such areas. Proviso (a) to clause 25 provides that any notifications or orders issued under the old Act shall be deemed to be issued or made under the new Act. Notifications under section 2(2) of the Repealed Act have however been excepted from this. The Revenue Department should bring the new Act into force in all the areas in which the present Act is in force by a fresh notification under section 1(3).

8. The subject-matter of the Bill falls under entries 2,27, 29,37,38 and 54 in List II and entries 2,4 and 5 in List III in the Seventh Schedule to the Government of India Act, 1935. Since clause 14 of the Bill is repugnant to the provisions of the Indian Evidence Act, 1872, which is a law relating to a matter falling under entry 5 in the said List III, it will be necessary to reserve the Bill for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935.

9. The Bill does not require any sanction or recommendation or affect any special responsibility of the Governor under section 52(1) of the said Act.

10. The Revenue Department is requested to attach a suitable Statement of Objects and Reasons to the Bill.

Sd/- D.V.Vyas,

Remembrancer of Legal Affairs.

U.R. to R.D. No.1266, dated the 7th February 1947.

4-Cs.
M.V.V.
28/3.

No.4086.

Legal Department,
Bombay Castle, 22nd April 1947.

From

P.M.Lad, Esquire, I.C.S.,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to provide for the control of transport, sale and possession of molasses in order to prevent its use for the illicit manufacture of liquor and to make it easily available ~~mfx~~ for lawful purposes in the Province of Bombay.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for being presented to His Excellency the Governor, an authentic copy of a Bill to provide for the control of transport, sale and possession of molasses in order to prevent its use for the illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay, which was read for the third time and passed at the meeting of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 10th March 1947 and on the 22nd March 1947, respectively.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a),(b),(c) and (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entries 2,27,29,37,38 and 58 in List II and entries 2,4 and 5 in List III in the Seventh Schedule to the Government of India Act, 1935.

4. As clause 14 of the Bill is repugnant ~~mf~~ to the provisions of the Indian Evidence Act, 1872, which is a

P.T.O

law relating to a matter falling under entry 5 in the Concurrent Legislative List, it will be necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

5. I am also to forward herewith six copies of each of the items Nos. 1 to 3 and two copies of item No.4 of the papers noted in the margin. The Bill was not referred to a Select Committee.

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
3. Bill as read for the third time and passed by the Bombay Legislative Council.	
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 10th March 1947 and of the Bombay Legislative Council dated the the 22nd March 1947.	

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- P.M.LAD,
18/4.
Secretary to the Government of Bombay,

Legal Department.

Through,

The Secretary to the Government of Bombay,
Revenue Department.

4-Cs.

M.V.V.
28/5.

G.S.

No.1422.

Office of the Governor's Secretary, 5.
Government House,
Bombay, 28th April 1947.

From

D.Symington, Esquire, C.I.E.,I.C.S.,
Secretary to the Governor of Bombay,

To,

The Secretary to the Bombay Legislative Assembly.
Council.

Subject:- The Bombay Molasses Bill, 1947.

Sir,

With reference to the above Bill, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council on the 10th. and 22nd March 1947 respectively, I am directed to state, for the information of the Honourable the Speaker, President, that as clause 14 of the Bill is repugnant to the provisions of the Indian Evidence Act, 1872, which is a law relating to a matter falling under entry 5 in the Concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935, it will be necessary to reserve the Bill for the consideration of His Excellency the Governor-General with reference to section 107(2) of the Government of India Act. His Excellency the Governor is accordingly pleased, under section 75 of the Act, to declare that he reserves the Bill for the consideration of the Governor-General.

Your obedient servant,

Sd/- D. Symington.

Secretary to the Governor of Bombay.

No. G.S. 1422
Office of the Governor's Secretary,
Government House,
Bombay, 28th April 1947.

Copy forwarded with compliments to :

The Secretary to Government, Legal Department, with reference to his letter No.4086, dated the 22nd April 1947.

The Secretary to Government, Revenue Department, with reference to his endorsement No. 9332/G-33, dated the 23rd. April 1947.

By order of the Governor of Bombay,

Sd/-

Secretary to the Governor of Bombay.

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No. G.S. 1904.
Office of the Governor's Secretary,
Bombay, 3rd. June 1947.

From

D. Symington, Esquire, C.I.E., I.C.S.,
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject:- The Bombay Molasses Bill, 1947.

Sir,

With reference to the Correspondence resting with this Office letter No. G.S. 1821, dated the 27th May 1947, I am directed to forward herewith the authentic copy of the Bombay Molasses Bill, 1947, with His Excellency the Governor - General's assent signfied thereon.

Yours obedient servant,

Sd/-

For Secretary to the Governor of Bombay.

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M.V.V.
28/5.

Bills.

A Bill to provide for the control of transport, sale and possession of molasses in order to prevent its use for the illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 1457.
Bombay Castle, 12th Februrary 1947.

Memorandum from the Revenue Department dated the 12th February 1947 ——— Transferring for necessary action, the papers relating to a Bill to provide for the control of transport, sale and possession of molasses in order to prevent its use for the illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay.

RESOLUTION : The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 12th February 1947, as Bill No. XV of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette on the 14th February 1947.

3. The dates of the various publications should be reported to the Secretary to the Bombay Legislative Assembly.

By order of the Governor of Bombay,

Sd/- K.M.CHITNVIS,

Assistant Remembrancer of Legal Affairs.

To

The Manager, Government Central Press, Bombay (with the Bill and the Statement of Objects and Reasons and with a request that 230 Gazette copies of the Bill and the Statement of Objects and Reasons may be forwarded to the Secretary to the Bombay Legislative Assembly for distribution to the Members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department),

The Revenue Department,
The Oriental Translator to Government,
The Secretary to the Bombay Legislative Assembly,
The Director of Publicity, Bombay.

) With a copy of the Bill and Statement of Objects and Reasons.

* With five extra copies of the Bill.

4-Cs.
M.V.V.
28/5.

Acts.
Publication of the Bombay Molasses Act, 1947.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 5555.
Bombay Castle, 29th May 1947.

Letter to the Secretary to the Governor, No.4086 dated the 22nd April 1947.

Letter from the Secretary to the Governor, No. G.S. 1821 dated the 27th May 1947.

"With reference to the correspondence resting with my endorsement No.G.S.1422, dated the 28th April 1947, I am directed to inform you that intimation has been received from the Secretary to the Governor General (Public) that His Excellency the Governor General has assented to the Bombay Molasses Bill, 1947, on the 24th May 1947."

RESOLUTION:- The law should be published as Bombay Act No.XIX of 1947 in the Bombay Government Gazette, dated the 29th May 1947.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devanagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue Department with reference to the memorandum from that Department dated the 12th February 1947.

By order of the Governor of Bombay,

Sd/- P.M.LAD,

Secretary to Government.

To

The Manager, Government Central Press, Bombay(with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department),
The Revenue Department,
* The Oriental Translator to Government,
The Secretary to the Bombay Legislative Council,
The Secretary to the Bombay Legislative Assembly
The Director of Publicity, Bombay.
} With a copy of the Act.

* With five extra copies of the Act.

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M.V.V.
28/5.

L. A. BILL No. XV OF 1947.

A Bill to provide for the control of transport, sale and possession of molasses in order to prevent its use for the illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 10th March 1947.)

WHEREAS it is expedient to provide for the control of transport, sale and possession of molasses in order to prevent its use for illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Molasses Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) This section shall come into force at once. The Provincial Government may, by notification in the Official Gazette, direct that the rest of the Act or any part thereof shall come into force in any area in the Province of Bombay on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) the expressions "Abkari Officer", "Collector", "Commissioner", "Magistrate" and "transport" shall have the same meanings as they have in the Bombay Abkari Act, 1878;

Bom. V of 1878.

(*2*) "Code" means the Code of Criminal Procedure, 1898;

V of 1898.

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(3) "licence" means a licence for the sale or possession of molasses granted under sub-section (2) of section 5;

(4) "molasses" means the heavy, dark coloured residual syrup drained away in the final stage of the manufacture of gur or sugar containing, in solution or suspension, sugars which can be fermented, and includes any product formed by the addition to such syrup of any ingredient which does not substantially alter the character of such syrup; but does not include any article which the Provincial Government may, by notification in the Official Gazette, declare not to be molasses for the purposes of this Act;

(5) "permit" means a permit for the transport of molasses granted under sub-section (2) of section 5.

Appointment of persons to exercise powers of Collector under this Act.

3. The Provincial Government may, by notification in the Official Gazette, appoint any person to exercise, in any area, all the powers and perform all the duties conferred and imposed by this Act on a Collector.

Collectors charged with carrying out Act.

4. Subject to such orders as the Provincial Government or the Commissioner may from time to time make, the Collectors are charged with the carrying out of the provisions of this Act.

For the purposes of this Act, the Collector of Bombay shall be subordinate to the Commissioner.

Regulation of transport, sale and possession of molasses.

5. (1) No person shall transport, sell or have in his possession any quantity of molasses.

(2) Notwithstanding anything contained in sub-section (1), the Provincial Government may, by general or special order, authorise any Collector to grant licences for the sale or possession of molasses and any Collector or Abkari Officer to grant permits for the transport thereof. Such licences and permits shall be in such form and shall be refused, or granted subject to such conditions and restrictions and on payment of such fees as the Provincial Government may direct.

(3) Nothing in this Act shall affect the right of any person to possess, transport or sale molasses, if such possession, transport or sale is incidental to its import into or export from the Province of Bombay.

Suspension or cancellation of licences or permits.

6. (1) The Collector may suspend or cancel any licence or permit—

(a) if any fee payable in respect of such licence or permit is not duly paid; or

(b) if there is a breach of any of the conditions of such licence or permit or of any licence or permit previously granted to the holder of such licence or permit by the holder

of such licence or permit or by his servant or by any person acting on his behalf with his express or implied permission ; or

(*c*) if the holder of such licence or permit or his servant or any person acting on his behalf with his express or implied permission is convicted of any offence punishable under this Act or the Bombay Abkari Act, 1878.

Bom. V of 1878.

(*2*) If there is a dispute whether or not there has been a breach of any condition under clause (*b*) of sub-section (*1*), the decision of the Collector shall be final.

(*3*) The holder of any licence or permit shall not be entitled to any compensation for the cancellation or suspension of such licence or permit under sub-section (*1*) nor to refund of any fees paid in respect thereof.

Penalty for contravention of this Act, rules, licences or permits.

7. (*1*) Whoever transports, sells or has in his possession any quantity of molasses in contravention of the provisions of this Act or the rules made thereunder or of any licence or permit granted under this Act shall, on conviction, be punishable with imprisonment which may extend to one year and with fine.

(*2*) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (*1*) of this section.

Confiscation.

8. All molasses which is transported, sold or possessed by any person in contravention of the provisions of this Act or rules made thereunder or of any licence or permit granted under this Act and every box, receptacle, package or covering in which such molasses is contained shall be confiscated.

Explanation.—For the purposes of this Act, all molasses for the transport, sale or possession of which a licence or permit has not been granted under section 5 or if granted, has been cancelled or suspended or has ceased to be in force, shall be deemed to have been transported, sold or possessed in contravention of the provisions of this Act.

Compounding offences.

9. (*1*) The Commissioner, Collector or any other Abkari Officer specially empowered by the Provincial Government in this behalf may accept from any person whose licence or permit is liable to be cancelled or suspended under section 6 or who is reasonably suspected of having committed an offence under section 7 a sum of money to be determined by him in lieu of such cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be ; and in all cases whatsoever in which any property other than molasses has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment by such person of such money or value or both, as the case may be, to such officer, such person if in custody shall be set at liberty and the property seized shall be released and if criminal proceedings shall have been instituted against such person, the composition shall be held to amount to an acquittal.

Power to obtain information.

10. (1) The Provincial Government or any Officer specially empowered by it in this behalf may by order require any person to furnish to any specified authority or person any such information in his possession concerning any molasses as may be specified in the order.

(2) If any person fails to furnish any information in compliance with the order made under sub-section (1), or furnishes false or incorrect information he shall, on conviction, be punishable with imprisonment for a term which may extend to six months and with fine.

(3) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (2) of this section.

Issue of Warrants.

11. (1) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898, any Magistrate or any Police or Abkari Officer not below the rank of an Inspector may issue a warrant— V of 1898.

(a) for the arrest of any person who, he has reason to believe, has committed an offence punishable under this Act, or

(b) for the search and seizure, whether by day or by night, of any building, vessel, vehicle or place in which he has reason to believe that any molasses liable to confiscation under this Act is kept or concealed.

(2) All warrants issued under this section shall be executed in accordance with the provisions of the Code by a Police Officer or by an Abkari Officer duly empowered by the Provincial Government in this behalf or if the officer issuing the warrant deems fit, by any other officer authorised by him.

Power of entry, search, seizure and detention.

12. (1) Any Police or Abkari Officer or any other officer duly empowered by the Provincial Government in this behalf may—

(a) enter and search by day or by night, any building, vessel, vehicle or place in which he has reason to believe that any molasses liable to confiscation under this Act is kept or concealed;

(b) seize any molasses which he has reason to believe is liable to confiscation under this Act and any box, receptacle, package or covering in which such molasses is contained; and

(c) arrest, detain or search any person who he has reason to believe is guilty of an offence punishable under this Act.

(2) All arrests and searches made under this section shall be made in accordance with the provisions of the Code.

Officer to have powers of investigation.

13. (1) Every Abkari or Police Officer, not below such rank as the Provincial Government may determine, shall within the area for which he is appointed, have power to investigate all offences punishable under this Act.

(2) Every such officer shall in the conduct of such investigation exercise the powers conferred by the Code, upon an officer in charge of a police station for the investigation of a cognizable offence :

Provided that—

(a) if such officer is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of an accused person to a Magistrate, or that the person arrested may be discharged with a warning, such officer shall release him on his executing a bond, with or without sureties, to appear, if and when so required, before a Magistrate and shall make a full report of the case to his official superior and take such further action as such official superior may require him to take ;

(b) the powers of an Abkari or Police Officer empowered under this section shall be subject to such further modifications or restrictions as the Provincial Government may order.

Presumption as regards offences under section 7.

14. In all prosecutions under section 7 it shall be presumed until the contrary is proved that the accused person has committed an offence under that section in respect of any molasses for the transport, sale or possession of which he is unable to account satisfactorily.

Transport, etc. by one person on account of another.

15. (1) When any person transports, sells or has in his possession molasses on account of any other person and such other person knows or has reason to believe that such transport, sale, or possession is on his account, the molasses shall, for the purposes of this Act, be deemed to have been transported, sold or in the possession of such other person.

(2) Nothing in sub-section (1) shall absolve any person who transports, sells or has possession of any molasses on account of another person from liability to any punishment under this Act for the unlawful transport, sale or possession of such molasses.

Procedure when molasses or other article is seized.

16. When any molasses or any other article has been seized under section 11 or 12, the officer who seized such molasses or article, shall, after making such inquiry as he may deem necessary—

(a) if it appears to him that such molasses or article is required as evidence in any case, forward it to the Magistrate concerned ;

(*b*) if it appears to him that such molasses or article is liable to confiscation under this Act but is not required as evidence in any case, forward it along with a report of the particulars of the seizure to the Collector through his superior officer ; and

(*c*) in any other case, not falling under clause (*a*) or (*b*), return it to the person from whose possession it was taken and report to his superior officer accordingly.

Procedure when molasses or other article is forwarded to Collector.

17. If the Collector to whom any molasses or other article has been forwarded under clause (*b*) of section 16, finds after making such enquiry as he may deem necessary that such molasses or article is liable to confiscation under this Act, he shall order that such molasses or article shall be confiscated :

Provided that the Collector shall not pass such order before the expiration of fifteen days from the date on which the molasses or article was seized and without hearing the person, if any, claiming within the said period any right thereto and the evidence, if any, which such person produces in support of his claim :

Provided further that if the Collector so deems fit, he may at any time direct that the molasses or article shall be sold, and the provisions of this section shall apply, so far as may be, to the net proceeds of the sale :

Provided also that the Collector may if he so deems fit direct that the molasses shall be destroyed.

Appeals.

18. (*1*) All orders passed by any Abkari or Police Officer other than the Collector or Commissioner under this Act shall be appealable to the Collector at any time within sixty days from the date of the order complained of.

(*2*) All orders passed by a Collector or Commissioner shall be appealable to the Commissioner or to the Provincial Government, respectively, at any time within ninety days from the date of the order complained of :

Provided that no appeal shall lie against an order passed by a Commissioner on appeal.

(*3*) Subject to the provisions of sub-sections (*1*) and (*2*), the rules for the time being in force relating to appeals in the Revenue Department shall apply to appeals under this Act.

Revision.

19. The Provincial Government may call for and examine the record of any proceedings before any Officer for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed in, and as to the regularity of, such proceedings, and may either annul, reverse, modify or confirm such order or pass such other order as it may deem fit.

Power of Provincial Government to issue orders in all matters pertaining to licences and permits.

20. Notwithstanding anything contained in this Act or the rules made under this Act, it shall be lawful for the Provincial Government, by general or special order,

(*a*) to prohibit the grant of any kind of licences or permits throughout the Province or in any area ;

(*b*) to prescribe the maximum number of licences or permits of any kind which may be granted in any area ;

(*c*) to prescribe the maximum quantity of molasses which may be sold, possessed or transported by any person in any area ;

(*d*) to prescribe the procedure to be followed before granting any licence or permit ;

(*e*) to specify persons or class of persons to whom licences or permits may or may not be granted ; and

(*f*) to issue such other instructions in any matter pertaining to the grant or otherwise of licences and permits under this Act as the Provincial Government may deem proper.

Limitation of suits against Crown.

21. No suit shall lie against the Crown or any officer in respect of anything done, or alleged to have been done, in pursuance of this Act, unless the suit is instituted within four months from the date of the act complained of.

Rules.

22. The Provincial Government may, by notification in the Official Gazette, and subject to the condition of previous publication make rules for the purpose of carrying into effect the provisions of this Act.

Repeal.

23. The Bombay Molasses Act, 1942, is hereby repealed :

Bom. XVIII of 1942.

Provided that—

(*a*) any notification other than a notification under sub-section (*2*) of section 2 of, or order issued or made under, the said Act and in force immediately before the date of the coming into force of this Act shall continue in force and be deemed to be a notification or order issued or made under this Act ;

(*b*) all appointments made or licences granted under the said Act and in force immediately before such date shall be deemed to be made or granted under this Act ; and

(*c*) any proceeding in respect of any offence under the said Act pending at such date shall be continued and disposed of as if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

In pursuance of their Excise policy, the Government have decided to introduce certain measures which will help to bring about complete prohibition throughout the Province within a period of four years. As molasses is extensively used as a distilling base for the manufacture of illicit liquor in certain parts of the Province, it is considered necessary to tighten the control over the sale and use of molasses along with the measures which are proposed to be introduced for restricting the sale and use of excisable articles. The enforcement of Excise law was rendered difficult owing to the illicit use of molasses which is comparatively a cheap base for country spirit, and as under the Bombay Abkari Act, no action could be taken to prevent the sale of molasses and its passing into the hands of an illicit distiller, the Bombay Molasses Act, 1942, was especially enacted. It is however found that mere control over possession is not enough and it is necessary to control the transport and sale of molasses to prevent its use for illicit distillation and to make it available for lawful purposes within the Province. It is therefore proposed to amend the Bombay Molasses Act, 1942, with a view to penalising the transport and sale of molasses except under permits granted by competent authorities.

Dated 12th February 1947. L. M. PATIL.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XV OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 10th March 1947.)

A Bill to provide for the control of transport, sale and possession of molasses in order to prevent its use for the illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay.

[Mr. L. M. PATIL, M.L.A.]

MO-II Bk Hb 342—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XV OF 1947.

A Bill to provide for the control of transport, sale and possession of molasses in order to prevent its use for the illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 10th March 1947.)

(As read for the third time and passed by the Legislative Council on the 22nd March 1947.)

WHEREAS it is expedient to provide for the control of transport, sale and possession of molasses in order to prevent its use for illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Molasses Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) This section shall come into force at once. The Provincial Government may, by notification in the *Official Gazette*, direct that the rest of the Act or any part thereof shall come into force in any area in the Province of Bombay on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) the expressions "Abkari Officer", "Collector", "Commissioner", "Magistrate" and "transport" shall have the same meanings as they have in the Bombay Abkari Act, 1878;

Bom. V of 1878.

(*2*) "Code" means the Code of Criminal Procedure, 1898;

V of 1898.

(*3*) "licence" means a licence for the sale or possession of molasses granted under sub-section (*2*) of section 5;

(*4*) "molasses" means the heavy, dark coloured residual syrup drained away in the final stage of the manufacture of gur or sugar containing, in solution or suspension, sugars which can be fermented, and includes any product formed by the addition to such syrup of any ingredient which does not substantially alter the character of such syrup; but does not include any article which the Provincial Government may, by notification in the *Official Gazette*, declare not to be molasses for the purposes of this Act;

(*5*) "permit" means a permit for the transport of molasses granted under sub-section (*2*) of section 5.

Appointment of persons to exercise powers of Collector under this Act.

3. The Provincial Government may, by notification in the *Official Gazette*, appoint any person to exercise, in any area, all the powers and perform all the duties conferred and imposed by this Act on a Collector.

Collectors charged with carrying out Act.

4. Subject to such orders as the Provincial Government or the Commissioner may from time to time make, the Collectors are charged with the carrying out of the provisions of this Act.

For the purposes of this Act, the Collector of Bombay shall be subordinate to the Commissioner.

Regulation of transport, sale and possession of molasses.

5. (*1*) No person shall transport, sell or have in his possession any quantity of molasses.

(*2*) Notwithstanding anything contained in sub-section (*1*), the Provincial Government may, by general or special order, authorise any Collector to grant licences for the sale or possession of molasses and any Collector or Abkari Officer to grant permits for the transport thereof. Such licences and permits shall be in such form and shall be refused, or granted subject to such conditions and restrictions and on payment of such fees as the Provincial Government may direct.

(*3*) Nothing in this Act shall affect the right of any person to possess, transport or sell molasses, if such possession, transport or sale is incidental to its import into or export from the Province of Bombay.

Suspension or cancellation of licences or permits.

6. (*1*) The Collector may suspend or cancel any licence or permit—

(*a*) if any fee payable in respect of such licence or permit is not duly paid; or

(*b*) if there is a breach of any of the conditions of such licence or permit or of any licence or permit previously granted to the holder of such licence or permit by the holder

of such licence or permit or by his servant or by any person acting on his behalf with his express or implied permission ; or

(*c*) if the holder of such licence or permit or his servant or any person acting on his behalf with his express or implied permission is convicted of any offence punishable under this Act or the Bombay Abkari Act, 1878.

Bom. V of 1878.

(*2*) If there is a dispute whether or not there has been a breach of any condition under clause (*b*) of sub-section (*1*), the decision of the Collector shall be final.

(*3*) The holder of any licence or permit shall not be entitled to any compensation for the cancellation or suspension of such licence or permit under sub-section (*1*) nor to refund of any fees paid in respect thereof.

Penalty for contravention of this Act, rules, licences or permits.

7. (*1*) Whoever transports, sells or has in his possession any quantity of molasses in contravention of the provisions of this Act or the rules made thereunder or of any licence or permit granted under this Act shall, on conviction, be punishable with imprisonment which may extend to one year and with fine.

(*2*) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (*1*) of this section.

Confiscation.

8. All molasses which is transported, sold or possessed by any person in contravention of the provisions of this Act or rules made thereunder or of any licence or permit granted under this Act and every box, receptacle, package or covering in which such molasses is contained shall be confiscated.

Explanation.—For the purposes of this Act, all molasses for the transport, sale or possession of which a licence or permit has not been granted under section 5 or if granted, has been cancelled or suspended or has ceased to be in force, shall be deemed to have been transported, sold or possessed in contravention of the provisions of this Act.

Compounding offences.

9. (*1*) The Commissioner, Collector or any other Abkari Officer specially empowered by the Provincial Government in this behalf may accept from any person whose licence or permit is liable to be cancelled or suspended under section 6 or who is reasonably suspected of having committed an offence under section 7 a sum of money to be determined by him in lieu of such cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be ; and in all cases whatsoever in which any property other than molasses has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment by such person of such money or value or both, as the case may be, to such officer, such person if in custody shall be set at liberty and the property seized shall be released and if criminal proceedings shall have been instituted against such person, the composition shall be held to amount to an acquittal.

Power to obtain information.

10. (1) The Provincial Government or any Officer specially empowered by it in this behalf may by order require any person to furnish to any specified authority or person any such information in his possession concerning any molasses as may be specified in the order.

(2) If any person fails to furnish any information in compliance with the order made under sub-section (1), or furnishes false or incorrect information he shall, on conviction, be punishable with imprisonment for a term which may extend to six months and with fine.

(3) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (2) of this section.

Issue of Warrants.

11. (1) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898, any Magistrate or any Police or Abkari Officer not below the rank of an Inspector may issue a warrant—

(a) for the arrest of any person who, he has reason to believe, has committed an offence punishable under this Act, or

(b) for the search and seizure, whether by day or by night, of any building, vessel, vehicle or place in which he has reason to believe that any molasses liable to confiscation under this Act is kept or concealed.

(2) All warrants issued under this section shall be executed in accordance with the provisions of the Code by a Police Officer or by an Abkari Officer duly empowered by the Provincial Government in this behalf or if the officer issuing the warrant deems fit, by any other officer authorised by him.

Power of entry, search, seizure and detention.

12. (1) Any Police or Abkari Officer or any other officer duly empowered by the Provincial Government in this behalf may—

(a) enter and search by day or by night, any building, vessel, vehicle or place in which he has reason to believe that any molasses liable to confiscation under this Act is kept or concealed;

(b) seize any molasses which he has reason to believe is liable to confiscation under this Act and any box, receptacle, package or covering in which such molasses is contained; and

(c) arrest, detain or search any person who he has reason to believe is guilty of an offence punishable under this Act.

(2) All arrests and searches made under this section shall be made in accordance with the provisions of the Code.

Officer to have powers of investigation.

13. (1) Every Abkari or Police Officer, not below such rank as the Provincial Government may determine, shall within the area for which he is appointed, have power to investigate all offences punishable under this Act.

(2) Every such officer shall in the conduct of such investigation exercise the powers conferred by the Code, upon an officer in charge of a police station for the investigation of a cognizable offence :

Provided that—

(a) if such officer is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of an accused person to a Magistrate, or that the person arrested may be discharged with a warning, such officer shall release him on his executing a bond, with or without sureties, to appear, if and when so required, before a Magistrate and shall make a full report of the case to his official superior and take such further action as such official superior may require him to take ;

(b) the powers of an Abkari or Police Officer empowered under this section shall be subject to such further modifications or restrictions as the Provincial Government may order.

Presumption as regards offences under section 7.

14. In all prosecutions under section 7 it shall be presumed until the contrary is proved that the accused person has committed an offence under that section in respect of any molasses for the transport, sale or possession of which he is unable to account satisfactorily.

Transport, etc. by one person on account of another.

15. (1) When any person transports, sells or has in his possession molasses on account of any other person and such other person knows or has reason to believe that such transport, sale, or possession is on his account, the molasses shall, for the purposes of this Act, be deemed to have been transported, sold or in the possession of such other person.

(2) Nothing in sub-section (1) shall absolve any person who transports, sells or has possession of any molasses on account of another person from liability to any punishment under this Act for the unlawful transport, sale or possession of such molasses.

Procedure when molasses or other article is seized.

16. When any molasses or any other article has been seized under section 11 or 12, the officer who seized such molasses or article, shall, after making such inquiry as he may deem necessary—

(a) if it appears to him that such molasses or article is required as evidence in any case, forward it to the Magistrate concerned ;

(*b*) if it appears to him that such molasses or article is liable to confiscation under this Act but is not required as evidence in any case, forward it along with a report of the particulars of the seizure to the Collector through his superior officer ; and

(*c*) in any other case, not falling under clause (*a*) or (*b*), return it to the person from whose possession it was taken and report to his superior officer accordingly.

Procedure when molasses or other article is forwarded to Collector.

17. If the Collector to whom any molasses or other article has been forwarded under clause (*b*) of section 16, finds after making such enquiry as he may deem necessary that such molasses or article is liable to confiscation under this Act, he shall order that such molasses or article shall be confiscated :

Provided that the Collector shall not pass such order before the expiration of fifteen days from the date on which the molasses or article was seized and without hearing the person, if any, claiming within the said period any right thereto and the evidence, if any, which such person produces in support of his claim :

Provided further that if the Collector so deems fit, he may at any time direct that the molasses or article shall be sold, and the provisions of this section shall apply, so far as may be, to the net proceeds of the sale :

Provided also that the Collector may if he so deems fit direct that the molasses shall be destroyed.

Appeals.

18. (*1*) All orders passed by any Abkari or Police Officer other than the Collector or Commissioner under this Act shall be appealable to the Collector at any time within sixty days from the date of the order complained of.

(*2*) All orders passed by a Collector or Commissioner shall be appealable to the Commissioner or to the Provincial Government, respectively, at any time within ninety days from the date of the order complained of :

Provided that no appeal shall lie against an order passed by a Commissioner on appeal.

(*3*) Subject to the provisions of sub-sections (*1*) and (*2*), the rules for the time being in force relating to appeals in the Revenue Department shall apply to appeals under this Act.

Revision.

19. The Provincial Government may call for and examine the record of any proceedings before any Officer for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed in, and as to the regularity of, such proceedings, and may either annul, reverse, modify or confirm such order or pass such other order as it may deem fit.

Power of Provincial Government to issue orders in all matters pertaining to licences and permits.

20. Notwithstanding anything contained in this Act or the rules made under this Act, it shall be lawful for the Provincial Government, by general or special order,

(*a*) to prohibit the grant of any kind of licences or permits throughout the Province or in any area ;

(*b*) to prescribe the maximum number of licences or permits of any kind which may be granted in any area ;

(*c*) to prescribe the maximum quantity of molasses which may be sold, possessed or transported by any person in any area ;

(*d*) to prescribe the procedure to be followed before granting any licence or permit ;

(*e*) to specify persons or class of persons to whom licences or permits may or may not be granted ; and

(*f*) to issue such other instructions in any matter pertaining to the grant or otherwise of licences and permits under this Act as the Provincial Government may deem proper.

Limitation of suits against Crown.

21. No suit shall lie against the Crown or any officer in respect of anything done, or alleged to have been done, in pursuance of this Act, unless the suit is instituted within four months from the date of the act complained of.

Rules.

22. The Provincial Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication make rules for the purpose of carrying into effect the provisions of this Act.

Repeal.

Bom. XVIII of 1942.

23. The Bombay Molasses Act, 1942, is hereby repealed :

Provided that—

(*a*) any notification other than a notification under sub-section (*2*) of section 2 of, or order issued or made under, the said Act and in force immediately before the date of the coming into force of this Act shall continue in force and be deemed to be a notification or order issued or made under this Act ;

(*b*) all appointments made or licences granted under the said Act and in force immediately before such date shall be deemed to be made or granted under this Act ; and

(*c*) any proceeding in respect of any offence under the said Act pending at such date shall be continued and disposed of as if this Act had not been passed.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XV OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 10th March 1947.)

(As read for the third time and passed by the Legislative Council on the 22nd March 1947.)

A Bill to provide for the control of transport, sale and possession of molasses in order to prevent its use for the illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay.

[Mr. L. M. PATIL, M.L.A.]

BOMBAY :- PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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The Bombay Government Gazette

PUBLISHED BY AUTHORITY

THURSDAY, 29TH MAY 1947.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

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BOMBAY ACT No. XXX OF 1947—An Act to provide for the control of transport, sale and possession of molasses in order to prevent its use for the illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay	288-295

The following Act of the Bombay Legislature having been assented to by the Governor General on the 24th May 1947 is hereby published for general information.

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXX OF 1947.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 29th May 1947.)

An Act to provide for the control of transport, sale and possession of molasses in order to prevent its use for the illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay.

WHEREAS it is expedient to provide for the control of transport, sale and possession of molasses in order to prevent its use for illicit manufacture of liquor and to make it easily available for lawful purposes in the Province of Bombay;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Molasses Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

(*3*) This section shall come into force at once. The Provincial Government may, by notification in the *Official Gazette*, direct that the rest of the Act or any part thereof shall come into force in any area in the Province of Bombay on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) the expressions "Abkari Officer", "Collector", "Commissioner", "Magistrate" and "transport" shall have the same meanings as they have in the Bombay Abkari Act, 1878;

Bom. V of 1878.

(*2*) "Code" means the Code of Criminal Procedure, 1898;

V 1898.

(3) "licence" means a licence for the sale or possession of molasses granted under sub-section (2) of section 5;

(4) "molasses" means the heavy, dark coloured residual syrup drained away in the final stage of the manufacture of gur or sugar containing, in solution or suspension, sugars which can be fermented, and includes any product formed by the addition to such syrup of any ingredient which does not substantially alter the character of such syrup; but does not include any article which the Provincial Government may, by notification in the *Official Gazette*, declare not to be molasses for the purposes of this Act;

(5) "permit" means a permit for the transport of molasses granted under sub-section (2) of section 5.

Appointment of persons to exercise powers of Collector under this Act.

3. The Provincial Government may, by notification in the *Official Gazette*, appoint any person to exercise, in any area, all the powers and perform all the duties conferred and imposed by this Act on a Collector.

Collectors charged with carrying out Act.

4. Subject to such orders as the Provincial Government or the Commissioner may from time to time make, the Collectors are charged with the carrying out of the provisions of this Act.

For the purposes of this Act, the Collector of Bombay shall be subordinate to the Commissioner.

Regulation of transport, sale and possession of molasses.

5. (1) No person shall transport, sell or have in his possession any quantity of molasses.

(2) Notwithstanding anything contained in sub-section (1), the Provincial Government may, by general or special order, authorise any Collector to grant licences for the sale or possession of molasses and any Collector or Abkari Officer to grant permits for the transport thereof. Such licences and permits shall be in such form and shall be refused, or granted subject to such conditions and restrictions and on payment of such fees as the Provincial Government may direct.

(3) Nothing in this Act shall affect the right of any person to possess, transport or sell molasses, if such possession, transport or sale is incidental to its import into or export from the Province of Bombay.

Suspension or cancellation of licences or permits.

6. (1) The Collector may suspend or cancel any licence or permit—

(a) if any fee payable in respect of such licence or permit is not duly paid; or

(b) if there is a breach of any of the conditions of such licence or permit or of any licence or permit previously granted to the holder of such licence or permit by the holder

of such licence or permit or by his servant or by any person acting on his behalf with his express or implied permission ; or

(*c*) if the holder of such licence or permit or his servant or any person acting on his behalf with his express or implied permission is convicted of any offence punishable under this Act or the Bombay Abkari Act, 1878.

Bom. V of 1878.

(*2*) If there is a dispute whether or not there has been a breach of any condition under clause (*b*) of sub-section (*1*), the decision of the Collector shall be final.

(*3*) The holder of any licence or permit shall not be entitled to any compensation for the cancellation or suspension of such licence or permit under sub-section (*1*) nor to refund of any fees paid in respect thereof.

Penalty for contravention of this Act, rules, licences or permits.

7. (*1*) Whoever transports, sells or has in his possession any quantity of molasses in contravention of the provisions of this Act or the rules made thereunder or of any licence or permit granted under this Act shall, on conviction, be punishable with imprisonment which may extend to one year and with fine.

(*2*) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (*1*) of this section.

Confiscation.

8. All molasses which is transported, sold or possessed by any person in contravention of the provisions of this Act or rules made thereunder or of any licence or permit granted under this Act and every box, receptacle, package or covering in which such molasses is contained shall be confiscated.

Explanation.—For the purposes of this Act, all molasses for the transport, sale or possession of which a licence or permit has not been granted under section 5 or if granted, has been cancelled or suspended or has ceased to be in force, shall be deemed to have been transported, sold or possessed in contravention of the provisions of this Act.

Compounding offences.

9. (*1*) The Commissioner, Collector or any other Abkari Officer specially empowered by the Provincial Government in this behalf may accept from any person whose licence or permit is liable to be cancelled or suspended under section 6 or who is reasonably suspected of having committed an offence under section 7 a sum of money to be determined by him in lieu of such cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be ; and in all cases whatsoever in which any property other than molasses has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by such officer,

(2) On the payment by such person of such money or value or both, as the case may be, to such officer, such person if in custody shall be set at liberty and the property seized shall be released and if criminal proceedings shall have been instituted against such person, the composition shall be held to amount to an acquittal.

Power to obtain information.

10. (1) The Provincial Government or any Officer specially empowered by it in this behalf may by order require any person to furnish to any specified authority or person any such information in his possession concerning any molasses as may be specified in the order.

(2) If any person fails to furnish any information in compliance with the order made under sub-section (1), or furnishes false or incorrect information he shall, on conviction, be punishable with imprisonment for a term which may extend to six months, and with fine.

(3) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (2) of this section.

Issue of Warrants.

11. (1) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898, any Magistrate or any Police or Abkari Officer not below the rank of an Inspector may issue a warrant— V of 1898.

(a) for the arrest of any person who, he has reason to believe, has committed an offence punishablo under this Act, or

(b) for the search and seizure, whether by day or by night, of any building, vessel, vehicle or place in which he has reason to believe that any molasses liable to confiscation under this Act is kept or concealed.

(2) All warrants issued under this section shall be executed in accordance with the provisions of the Code by a Police Officer or by an Abkari Officer duly empowered by the Provincial Government in this behalf or if the officer issuing the warrant deems fit, by any other officer authorised by him.

Power of entry, search, seizure and detention.

12. (1) Any Police or Abkari Officer or any other officer duly empowered by the Provincial Government in this behalf may—

(a) enter and search by day or by night, any building, vessel, vehicle or place in which he has reason to believe that any molasses liable to confiscation under this Act is kept or concealed;

(b) seize any molasses which he has reason to believe is liable to confiscation under this Act and any box, receptacle, package or covering in which such molasses is contained; and

(c) arrest, detain or search any person who he has reason to believe is guilty of an offence punishable under this Act.

(2) All arrests and searches made under this section shall be made in accordance with the provisions of the Code.

Officer to have powers of investigation.

13. (1) Every Abkari or Police Officer, not below such rank as the Provincial Government may determine, shall within the area for which he is appointed, have power to investigate all offences punishable under this Act.

(2) Every such officer shall in the conduct of such investigation exercise the powers conferred by the Code, upon an officer in charge of a police station for the investigation of a cognizable offence :

Provided that—

(a) if such officer is of opinion that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of an accused person to a Magistrate, or that the person arrested may be discharged with a warning, such officer shall release him on his executing a bond, with or without sureties, to appear, if and when so required, before a Magistrate and shall make a full report of the case to his official superior and take such further action as such official superior may require him to take ;

(b) the powers of an Abkari or Police Officer empowered under this section shall be subject to such further modifications or restrictions as the Provincial Government may order.

Presumption as regards offences under section 7.

14. In all prosecutions under section 7 it shall be presumed until the contrary is proved that the accused person has committed an offence under that section in respect of any molasses for the transport, sale or possession of which he is unable to account satisfactorily.

Transport, etc. by one person on account of another.

15. (1) When any person transports, sells or has in his possession molasses on account of any other person and such other person knows or has reason to believe that such transport, sale, or possession is on his account, the molasses shall, for the purposes of this Act, be deemed to have been transported, sold or in the possession of such other person.

(2) Nothing in sub-section (1) shall absolve any person who transports, sells or has possession of any molasses on account of another person from liability to any punishment under this Act for the unlawful transport, sale or possession of such molasses.

Procedure when molasses or other article is seized.

16. When any molasses or any other article has been seized under section 11 or 12, the officer who seized such molasses or article, shall, after making such inquiry as he may deem necessary—

(a) if it appears to him that such molasses or article is required as evidence in any case, forward it to the Magistrate concerned ;

(*b*) if it appears to him that such molasses or article is liable to confiscation under this Act but is not required as evidence in any case, forward it along with a report of the particulars of the seizure to the Collector through his superior officer; and

(*c*) in any other case, not falling under clause (*a*) or (*b*), return it to the person from whose possession it was taken and report to his superior officer accordingly.

Procedure when molasses or other article is forwarded to Collector.

17. If the Collector to whom any molasses or other article has been forwarded under clause (*b*) of section 16, finds after making such enquiry as he may deem necessary that such molasses or article is liable to confiscation under this Act, he shall order that such molasses or article shall be confiscated:

Provided that the Collector shall not pass such order before the expiration of fifteen days from the date on which the molasses or article was seized and without hearing the person, if any, claiming within the said period any right thereto and the evidence, if any, which such person produces in support of his claim:

Provided further that if the Collector so deems fit, he may at any time direct that the molasses or article shall be sold, and the provisions of this section shall apply, so far as may be, to the net proceeds of the sale:

Provided also that the Collector may if he so deems fit direct that the molasses shall be destroyed.

Appeals.

18. (*1*) All orders passed by any Abkari or Police Officer other than the Collector or Commissioner under this Act shall be appealable to the Collector at any time within sixty days from the date of the order complained of.

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(*c*) to prescribe the maximum quantity of molasses which may be sold, possessed or transported by any person in any area ;

(*d*) to prescribe the procedure to be followed before granting any licence or permit ;

(*e*) to specify persons or class of persons to whom licences or permits may or may not be granted ; and

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Rules.

22. The Provincial Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication make rules for the purpose of carrying into effect the provisions of this Act.

Repeal.

Bom. XVIII of 1942.

23. The Bombay Molasses Act, 1942, is hereby repealed :

Provided that—

(*a*) any notification other than a notification under sub-section (*2*) of section 2 of, or order issued or made under, the said Act and in force immediately before the date of the coming into force of this Act shall continue in force and be deemed to be a notification or order issued or made under this Act ;

(*b*) all appointments made or licences granted under the said Act and in force immediately before such date shall be deemed to be made or granted under this Act ; and

(c) any proceeding in respect of any offence under the said Act pending at such date shall be continued and disposed of as if this Act had not been passed.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.